

THE FOLLOWING HEARING WAS DEFERRED FROM 3/2/06 TO THIS DATE:

HEARING NO. 06-3-CZ11-1 (03-29)

22-55-39

Council Area 11

Comm. Dist. 11

APPLICANT: G. F. B. ENTERPRISES MANAGEMENT L. L. C.

MODIFICATION of Paragraph #3 of a Declaration of Restrictions, recorded in Official Records Book 20586, Pages 2844 through 2860 and as re-recorded in Official Records Book 20816, Pages 3495 through 3514, reading as follows:

FROM: "3. **Restrictions on Operations.** Owner agrees to further restrict the operation of the automobile dealerships as follows:

- (A) The sales hours of operation for the facilities will be limited to 9 a.m. to 8 p.m. on Monday through Saturday, and from 9 a.m. to 6 p.m. on Sunday;
- (B) The service hours of operation for the facilities will be limited to 7 a.m. to 7 p.m. on Monday through Saturday, and from 9 a.m. to 6 p.m. on Sunday;
- (C) Delivery of vehicles will occur Monday through Friday from 8 a.m. to 10 p.m.; and
- (D) Lighting will be turned off by 9 p.m. nightly, however security lighting will be permitted past 9 p.m."

TO: "3. **Restrictions on Operations.** Owner agrees to further restrict the operation of the automobile dealerships as follows:

- (A) The sales hours of operation for the facilities will be limited to 9:00 a.m. to 10:30 p.m. on Monday through Saturday, and from 9:00 a.m. to 7:00 p.m. on Sunday;
- (B) The service hours of operation for the facilities will be limited to 7:00 a.m. to 10:30 p.m. on Monday through Saturday, and from 9:00 a.m. to 7:00 p.m. on Sunday;
- (C) Delivery of vehicles will occur Monday through Friday from 7:00 a.m. to 10:30 p.m.; and
- (D) Lighting will be turned off by 10:30 p.m. nightly, however security lighting will be permitted past 10:30 p.m."

The purpose of this request is to permit the applicant to modify the hours of operation for the sales and service, vehicle delivery and lighting for the previously approved automobile dealership.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

SUBJECT PROPERTY: PARCEL 1: A portion of the NE ¼ of Section 22, Township 55 South, Range 39 East, more particularly described as follows:

Commence at the Northeast corner of said Section 22; thence run S01°21'22"W, along the East line of said Section 22, for a distance of 898.26' to a point; thence run N89°46'56"W for a distance of 55.01' to the Point of beginning of the hereinafter described parcel; thence continue N89°46'56"W for a distance of 526.32' to a point; thence run N68°16'45"W for a distance of 214.49' to a point on a circular curve concave to the Northwest, said point bears S68°21'00"E

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from the center of said curve; thence run NE/ly along the arc of said curve, having for its elements a radius of 5,000' feet and a central angle of 2°52'05" for an arc distance of 250.27' to a Point of compound curvature of a circular curve concave to the west; thence run NE/ly along the arc of said curve, having for its elements a radius of 280' and a central angle of 18°33'40" for an arc distance of 90.71' to the Point of tangency; thence run N00°13'16"E for a distance of 271.62' to a point; thence run S89°46'56"E for a distance of 598.96' to a point on a circular curve concave to the west, said point bears N84°32'11"E from the center of said curve; thence run SE/ly along the arc of said curve, having for its elements a radius of 5,674.58' and a central angle of 6°49'12" for an arc distance of 675.45' to the Point of beginning. AND: PARCEL II: A portion of the Northeast 1/4 of Section 22, Township 55 South, Range 39 East, more particularly described as follows:

Commence at the Northeast corner of said Section 22; thence run S87°36'46"W, along the North line of said Section 22, for a distance of 300.64' to a point; thence run S01°21'29"W for a distance of 40.09' feet to a point on a line parallel with and 40' South of, as measured at right angles to the North line of said Section 22, said point also being the Point of beginning of the hereinafter described parcel; thence run N87°36'46"E, along the previously described line, for a distance of 144.3' to a Point of curvature of a circular curve concave to the Southwest; thence run NE/ly, E/ly and SE/ly along the arc of said curve, having for its elements a radius of 40' and a central angle of 85°29'14", for an arc distance of 59.68' to a Point of compound curvature of a circular curve concave to the west; thence run SE/ly along the arc of said curve, having for its elements a radius of 5,674.58' and a central angle of 1°26'11", for an arc distance of 142.26' to a point; thence run N89°46'56"W for a distance of 598.96' to a point; thence run N00°13'16"E for a distance of 151.73' to a point on a line parallel with and 40' south of, as measured at right angles to, the north line of said Section 22; thence run N87°36'46"E, along the previously described line for a distance of 397.84' to the Point of beginning. AND: PARCEL III: A portion of the NE ¼ of Section 22, Township 55 South, Range 39 East, more particularly described as follows:

Commence at the Northeast corner of said Section 22; thence run S87°36'46"W, along the north line of said Section 22, for a distance of 1,394.45' to a point on the west line of the east ½ of the NE ¼ of said Section 22, said line also being the east line of TAMAIR INDUSTRIAL PARK SECTION 1, Plat Book 109, Page 18; thence run S00°13'16"W, along the previously described line for 40.04' to the Point of beginning of the hereinafter described parcel; thence continue S00°13'16"W, along the previously described line for a distance of 1,199.93' to a point; thence run S89°46'56"E for 283.61' to a point on a circular curve concave to the Northwest, said point bears S61°46'04"E from the center of said curve; thence run NE/ly along the arc of said curve, having for its elements a radius of 4,920' and a central angle of 9°27'00" for an arc distance of 811.48' feet to a Point of compound curvature of a circular curve concave to the west; thence run NE/ly along the arc of said curve, having for its elements a radius of 200' and a central angle of 18°33'40" for an arc distance of 64.79' to the Point of tangency; thence run N00°13'16"E for a distance of 273.34' to a point; thence run N89°46'56"W for a distance of 175' to a point; thence run N00°13'16"E for a distance of 138.4' to a point on a line parallel with and 40' south of, as measured at right angles to, the north line of said Section 22; thence run S87°36'46"W, along the previously described line for a distance of 439.91' to the Point of

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beginning. AND: PARCEL IV: A portion of the NE ¼ of Section 22, Township 55 South, Range 39 East, more particularly described as follows: Commence at the Northeast corner of said Section 22; thence run S87°36'46"W, along the north line of said Section 22, for a distance of 300.64' to a point; thence run S01°21'29"W for a distance of 40.09' to a point on a line parallel with and 40' south of, as measured at right angles to, the north line of said Section 22; thence run S87°36'46"W, along the previously described line for a distance of 477.92' to the Point of beginning of the hereinafter described parcel; thence continue S87°36'46"W, along the previously described line for a distance of 175.18' to a point; thence run S00°13'16"W for a distance of 138.4' to a point; thence run S89°46'56"E for a distance of 175' to a point; thence run N00°13'16"E for a distance of 146.36' to the Point of beginning.

LOCATION: The Southwest corner of S.W. 136 Street & S.W. 137 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 26 Acres

PRESENT ZONING: IU-1 (Industry – Light)